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Senate, Assembly Leaders Introduce Bill Creating Felony for Threats to Health Care Workers

WHA, members testify in support; lead coalition of nearly 20 provider organizations



WHA Senior Vice President of Workforce and Clinical Practice Ann Zenk testified alongside Gundersen Health System Clinical Manager of Medical and Oncology Clark Draxler and WHA General Counsel Matthew Stanford in support of AB 960.

Senate Majority Leader Devin LeMahieu (R-Oostburg) and Assembly Speaker Robin Vos (R-Burlington) have introduced legislation they named “Protect the Frontline,” creating a Class H felony for threats of violence made against hospital staff and health care providers. The measure was co-authored by Sen. Van Wanggaard (R-Racine) and Rep. Gae Magnafici (R-Dresser) and received a hearing in the State Assembly on Feb. 9.

Under current law, including through changes pursued by WHA in 2019, battery against a hospital staff member or health care worker can already be charged as a Class H felony. [Assembly Bill 960](#), introduced by Sens. LeMahieu and Wanggaard and Reps. Vos and Magnafici, would add threats of violence as a Class H felony.

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EDUCATIONAL EVENTS

- March 23**
WHA Advocacy Day 2022
Virtual
- April 6**
Patient Financial Engagement Solutions that Drive the Revenue Cycle
Webinar
- April 27**
Journey to a Healthier Wisconsin – Setting the Stage for SDOH Z Code Data Capture
Webinar

Sign up for Legislative Visits at Advocacy Day 2022

Make your voice heard among Wisconsin’s lawmakers

With Advocacy Day less than six weeks away, WHA is reminding advocates to [sign up](#) for the grassroots legislative visits that form an important component of this annual event. These visits are an opportunity to directly connect with your state lawmakers on health care issues and share your experiences in your hospital or health system.

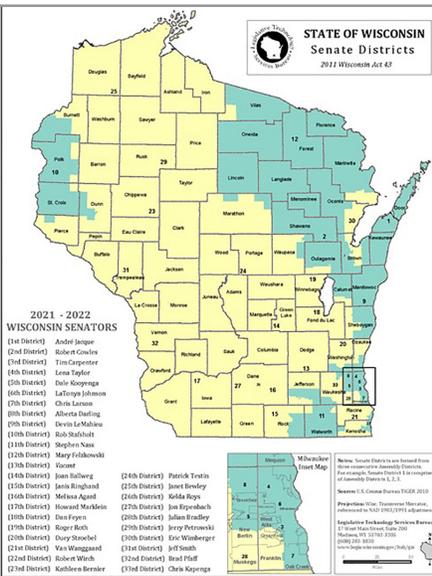


“The legislative visits are the ‘Advocacy-in-Action’ part of WHA’s Advocacy Day event where advocates take the issues discussed at Advocacy Day directly to their state legislators,” said WHA Vice President of Advocacy Kari Hofer. “Your legislators want to hear from you. As citizen lobbyists, sharing your first-hand experiences from your hospital or health system can have a huge advocacy impact,” Hofer continued.

“If you’ve never participated in grassroots advocacy before, the legislative visits at Advocacy Day are a great way to dip your toe into advocacy. WHA will help prepare

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(Sign up for Legislative Visits at Advocacy Day 2022 . . . continued from page 1)

<p>Wednesday</p> <p>MARCH 23</p> <p>12:30 – 4:45 PM</p> <p>Senate Districts 1 – 12</p> <p>Assembly Districts 1 - 36</p>	<p>Thursday</p> <p>MARCH 24</p> <p>8:30 AM – 4:30 PM</p> <p>Senate Districts 13-33</p> <p>Assembly Districts 37-99</p>	 <p>2021 - 2022 WISCONSIN SENATORS</p> <p>(1st District) Andre Jaeger (2nd District) Robert Cowles (3rd District) Tim Caproner (4th District) Lena Taylor (5th District) Dale Koopenga (6th District) LaTroy Johnson (7th District) Chris Larson (8th District) Alberta Darling (9th District) Devin LaMotte (10th District) Rob Stalholz (11th District) Stephen Naeff (12th District) Mary Felkowski (13th District) Frazee (14th District) Juan Rilling (15th District) Justin Ringhand (16th District) Melissa Agent (17th District) Howard Markson (18th District) Dan Egan (19th District) Roger Roth (20th District) Doug Steneck (21st District) Van Waagaard (22nd District) Robert Wirth (23rd District) Kathleen Berens (24th District) Patrick Trivitt (25th District) Janet Bowley (26th District) Kilda Rapp (27th District) Jon Eppelbach (28th District) Julian Bradley (29th District) Jerry Petrowski (30th District) Eric Wisniewski (31st District) Jeff Smith (32nd District) Brad Puff (33rd District) Chris Koopenga</p>
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you for your meeting, and you will not be on your own—your peers and other health care advocates will be participating alongside you,” said Hofer.

All visits will take place virtually via Zoom. Meetings lasting approximately 30 minutes are scheduled on either March 23 or March 24, depending on advocates’ home Senate District. WHA staff schedules and confirms all the legislative visits. Advocates will receive notification from WHA staff with the specific date and time of their legislative visit, as well as instructions on how to join the meeting.

Programming for WHA Advocacy Day 2022 includes keynote speaker

[Dr. Scott Gottlieb](#), former FDA commissioner, who will participate in a moderated discussion with WHA President and CEO Eric Borgerding. An announcement on the bipartisan legislative panel is coming soon.

There is no cost to attend WHA Advocacy Day, but [pre-registration is required](#).

If you already registered for Advocacy Day, but forgot to sign up for the legislative visits, or have any questions, contact [Laurie Fleuette](#) or call 608-274-1820.

Medicare to Cover At-Home COVID Tests this Spring

Although the number of COVID cases and hospitalizations has continued to decline in Wisconsin, the need for testing continues. This past week, the federal Centers for Medicare & Medicaid Services (CMS) announced that Medicare will begin to cover over-the-counter COVID-19 tests for beneficiaries beginning in early spring.

CMS began requiring private insurers to cover at-home or over-the-counter COVID tests beginning Jan. 15, 2022 (see [previous edition](#) of *The Valued Voice*). Similar to enrollees of private insurance, those enrolled in Medicare—whether in traditional Medicare or Medicare Advantage—will be able to access up to eight at-home tests per month with no cost sharing.

According to a release from the agency, this is the first time that Medicare will cover an over-the-counter test at no cost to beneficiaries.

CMS indicates that Medicare Advantage plans may offer coverage and payment for over-the-counter COVID-19 tests as a supplemental benefit in addition to covering Medicare Part A and Part B benefits, so Medicare beneficiaries covered by Medicare Advantage should check with their insurance plan to see if it includes such a benefit.

Otherwise, until the full benefit goes into effect, people with Medicare can access free tests through community sites or by requesting four free over-the-counter tests for home delivery at [covidtests.gov](https://www.covidtests.gov).

For those with Medicaid, the Wisconsin Department of Health Services (DHS) currently offers recipients free at-home tests. The [DHS website](#) includes details about how to access tests for people with Medicaid coverage.

Leaders to State's Top Associations Discuss Leadership, Advocacy and Impact

Borgerding credits members and "phenomenal" WHA team for association's success

WHA President and CEO Eric Borgerding participated in a panel discussion at the Wisconsin Counties Association (WCA) Legislative Exchange event on Feb. 9, joining other statewide association leaders to discuss legislative priorities for their industries.

Included in the panel along with Borgerding were Wisconsin Counties Association President and CEO Mark O'Connell, Wisconsin Broadcasters Association President and CEO Michelle Vetterkind, Wisconsin Realtors Association President and CEO Michael Theo and Wisconsin Restaurant Association President and CEO Kristine Hillmer.

Addressing the importance of industry advocacy such as those represented on stage, Borgerding noted, "it is absolutely critical to have an organization—and this holds true of everyone up here—that can bring you all together, and to unify—as much as is possible—the members of your association into one voice—one loud and influential voice."



The panel discussion at the Wisconsin Counties Association event on Feb. 9, 2022. Pictured, L to R: Michelle Gormican, Principal, Thompson Communications (moderator); Eric Borgerding, President and CEO, Wisconsin Hospital Association; Michelle Vetterkind, President and CEO, Wisconsin Broadcasters Association; Michael Theo, President and CEO, Wisconsin Realtors Association; Kristine Hillmer, President and CEO, Wisconsin Restaurant Association; and Mark O'Connell, President and CEO, Wisconsin Counties Association.

Asked about what he most enjoys about leading an advocacy organization, Borgerding noted the incredible work of WHA's member hospitals and health systems as providing fuel to the association's mission and cited his team's expertise and enthusiasm as the driving force behind WHA's successful advocacy efforts. "It is an absolute honor to work with, to develop and to help me develop, a phenomenal team of people at the Wisconsin Hospital Association," he said. "That team is what I am most proud to lead and to be a part of."

Noting the role that WHA plays advocating on behalf of its members, Borgerding added, "Advocacy takes many forms. It's not just being up at the Capitol or lobbying legislators, though that is certainly the most understood definition of advocacy. It takes a lot of different forms." Borgerding related that advocacy for hospitals and health systems during the COVID-19 pandemic expanded and broadened to include helping not only policymakers, but the general public understand the pandemic's effect on the state's health system and how hospitals have responded over and above their traditional services to keep their communities safe.

WCA's O'Connell observed that the time has long passed that legislators could tap the perspectives of every stakeholder in an industry regarding a specific policy proposal, for example. "A lot of times, they'll ask us, 'You folks work it out. And come to me with some sort of compromise.'" O'Connell added, "The organizations here are the top organizations in the state, and the most powerful organizations in the Capitol."

A common misperception about industry advocacy all panelists agreed warranted pushback is the assumption that "special interest" organizations focus solely on a narrow range of issues only affecting their members. "Everything every one of us works on has ripple effects," observed Borgerding. "And those ripple effects allow you to expand your scope of interest and expand the other organizations you're working with." The relationship between health care and rural economic development and the role that broadband expansion plays in the quality of life of citizens throughout the state are some examples of issues association leaders have collaborated on that offer wide-ranging benefits well beyond their memberships.

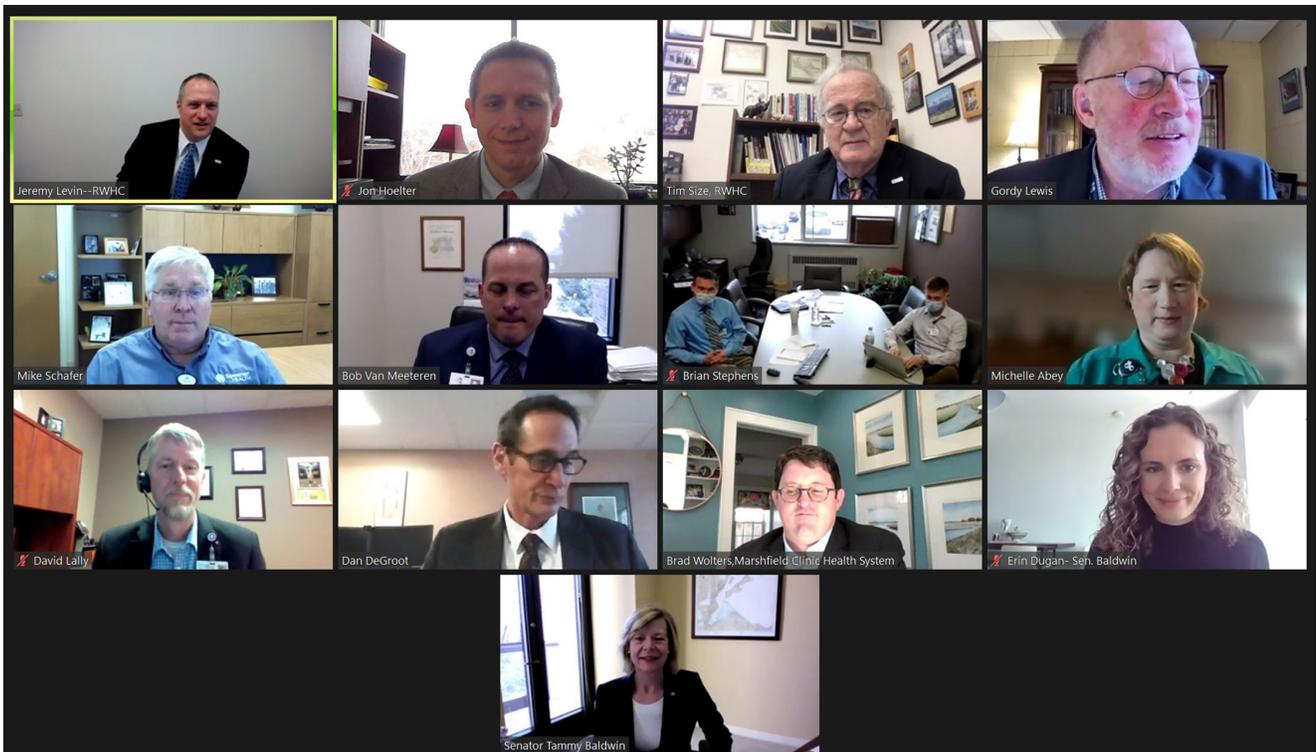
The Stop the COVID Spread! coalition, spearheaded by WHA and enthusiastically joined by 135 of the state's leading health care business and advocacy organizations united to beat COVID-19, is another example of the power of collaboration between special interests. "We are all interconnected in many, many different ways," explained Hillmer of Wisconsin Restaurant Association.

Grassroots Spotlight

WHA joins RWHC to Advocate for Rural Health Care

On Feb. 9, the Wisconsin Hospital Association (WHA) joined the Rural Wisconsin Health Cooperative (RWHC) and health care leaders from across Wisconsin to advocate for rural health care priorities. Among the main topics covered were the growing health care workforce challenges, the importance of protecting the 340B prescription drug discount program and the need for Congress to extend Medicare sequester relief.

The day started with a visit with Congressman Mark Pocan, to whom rural health care leaders relayed concerns about the impact the COVID-19 pandemic has had on retaining health care providers, from entry-level positions all the way to specialty physicians. Pocan said he has been following the growing health care [workforce concerns](#), particularly regarding the practices of traveling nurse staffing agencies. The rising costs hospitals and health systems are seeing from the need to rely on traveling nurse staffing agencies has highlighted the need for Congress to extend the Medicare sequester relief it has granted throughout the pandemic. Pocan noted the House of Representatives just passed a clean extension of the continuing resolution to fund the government through March 11, but he is hopeful that there will be an appetite to take up other items like the sequester relief in the next extension, given that it is slated to resume at a phased-in 1% rate starting April 1, prior to the full 2% cut which would resume July 1.



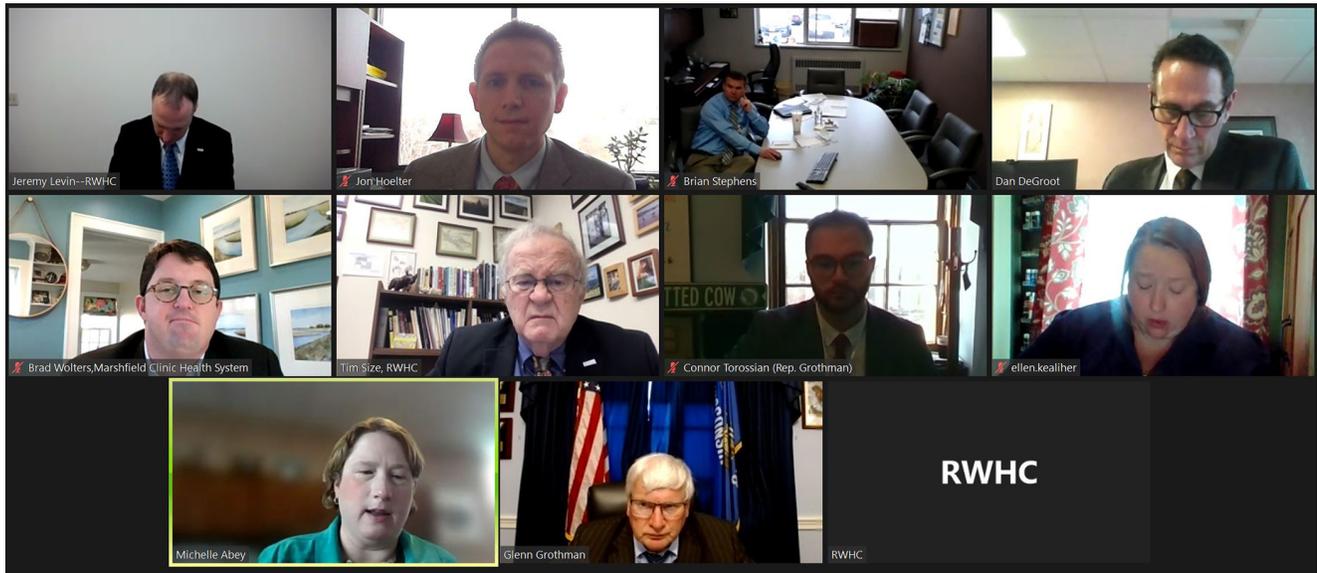
Senator Baldwin meets with rural hospital leaders, who thanked her for her leadership on protecting the 340B prescription drug discount program.

Health care leaders also spoke about the importance of the [340B prescription drug discount program](#). In a meeting with Sen. Tammy Baldwin, participants thanked the Wisconsin lawmaker for her leadership on this issue over the years, including introducing [legislation](#) that would ensure no hospital loses its 340B eligibility as a result of fluctuations in Medicaid patient mixes that occur during the COVID-19 pandemic. Rural health care leaders also reiterated concerns that pharmaceutical companies and some pharmacy benefit managers have tried to either deny 340B discounts or recoup them for themselves despite Congress clearly intending the program to be used by hospitals and safety-net providers to stretch scarce federal resources. Unfortunately, these attempts to erode the program jeopardize the ability of hospitals to continue providing safety-net services that typically run at a loss, such as vital behavioral health services, free or low-cost dental or medical care and remote pharmacy dispensing sites that help rural residents avoid traveling long distances to have their prescriptions filled.

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WHA will continue to advocate for these issues that protect access to rural health care and is planning an upcoming in-person fly-in to Washington, D.C., April 24-26. Contact WHA Vice President of Federal and State Relations [Jon Hoelter](#) with questions.



Hospital leaders thank Wisconsin Congressman Glenn Grothman for his support in advocating for a fix to the traveling nurse staffing agency issue, while describing the myriad workforce challenges that have been exacerbated by the COVID-19 pandemic.

WHA Urges U.S. Senate HELP Committee to Include Hospital and Health System Support in Pandemic Preparedness Legislation

On Feb. 4, WHA submitted [comments](#) on a bipartisan discussion draft related to pandemic preparedness to the U.S. Senate Committee on Health, Education, Labor, and Pensions (HELP). WHA’s comments on this draft legislation, the PREVENT Pandemics Act Discussion Draft, requested the committee put a larger emphasis on the role hospitals and health systems have played serving on the front lines of the COVID-19 pandemic.

Writing to HELP Committee Chair Patty Murray and Ranking Member Richard Burr, WHA President and CEO Eric Borgerding expressed appreciation for Congress taking on this important issue, but also cautioned, “The discussion draft so far seems to lack meaningful support for the health care system that has been on the front lines of this pandemic for more than two years now. WHA encourages the HELP Committee to include a larger focus of how public health and preparedness efforts must support hospitals, health systems and the health care infrastructure as a whole.”

The [PREVENT Pandemics Act discussion draft](#) was released on Jan. 25 and included a bevy of strategies aimed at strengthening state and federal preparedness efforts to improve the health care system’s ability to respond to the next pandemic. Most of these strategies are focused on better preparing federal agencies and state and local public health infrastructure.

In WHA’s comments to the HELP Committee, Borgerding highlighted the challenges that a lack of adequate public health infrastructure created for hospitals and health systems, most notably, by requiring hospitals and health systems to take on the challenges of mass testing and vaccination campaigns for the public.

“The health care workforce is finite, and each body a hospital or health system reassigned to testing or vaccination efforts was one less person available to provide direct patient care. While this was easier to absorb during phases of the pandemic when hospitals and clinics saw lower volumes, it had a dramatic impact during the patient surges in fall of 2020 and fall of 2021,” said Borgerding.

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(WHA Urges U.S. Senate HELP Committee to Include Hospital and Health System Support in Pandemic Preparedness Legislation . . . continued from page 5)

WHA recommended the committee set aside adequate emergency funding to allow public health infrastructure to work cooperatively with hospitals and health systems to quickly scale up hiring for these functions.

WHA also recommended the committee recognize the harm that was caused by a post-acute/long-term care systems failure. A WHA survey done during the fall surge of 2021 found that 600 hospital beds could have been freed up in one day if not for the patients being stuck in hospitals due to a lack of nursing home beds being available to care for them. WHA urged the committee to look at flexibilities in certified nursing assistant (CNA) training and other staffing strategies to prevent a similar breakdown of post-acute care in the future.

Lastly, WHA suggested the PREVENT Pandemics Act include direct workforce support for the hospitals and health systems that care for patients during a pandemic. Citing the significant staffing challenges hospitals have faced during COVID-19, including those associated with utilizing traveling nurse staffing agencies, WHA recommended the HELP Committee include both short-term and long-term workforce support for hospital and health systems, such as additional graduate medical education slots, loan repayment programs for practitioners with infectious disease and emergency planning expertise, and special immigrant visas to help alleviate some of the more immediate shortages facing health care.

Contact WHA Vice President of Federal and State Relations [Jon Hoelter](#) with questions.

(Senate, Assembly Leaders Introduce Bill Creating Felony for Threats to Health Care Workers . . . from page 1)

WHA Senior Vice President of Workforce and Clinical Practice Ann Zenk testified alongside WHA General Counsel Matthew Stanford and Gundersen Health System Clinical Manager of Medical and Oncology Clark Draxler in support of Assembly Bill 960.

“Over the past decade, threats and violence against those working in health care have continued to rise,” said Zenk in [testimony](#) before the committee. “Increasing threats to our health care workers’ safety, increased burnout and increasing workforce shortages make it imperative to provide every strategy possible to turn the tide, including the important and appreciated prevention strategy the Assembly Committee on Criminal Justice and Public Safety is considering in AB 960.”



UW Health Senior Vice President and Chief Nurse Executive Rudy Jackson testifies in support of AB 960.

Joining the chorus of health care representatives testifying in support of AB 960 was UW Health Senior Vice President and Chief Nurse Executive Rudy Jackson, who provided a poignant, firsthand account of rising aggression toward health care workers. “We encourage staff to use our online reporting system called HERO to report incidents that violate our zero tolerance for violence

policy,” he related. “Since the HERO system went live about six months ago, we have been averaging 40 reports each month.”

This new law would be similar to laws already in place for threats made against law enforcement officers, officers of the court and certain state employees at the Department of Safety and Professional Services, Department of Workforce Development and Department of Revenue. The Legislature is also considering bills in this session that would add felony crimes for threats made against parole agents and public officials, including state and local elected officials.

In addition to WHA’s testimony before the committee, a coalition of 18 statewide health care provider organizations led by WHA provided [written testimony](#) to the committee in support of Assembly Bill 960.